

Revision: HCFA-PM-91-4 (BPD)
AUGUST 1991

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Page 1
OMB No.: 0938-

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: UTAH

TRANSFER OF RESOURCES

1902(f) and 1917
of the Act

The agency provides for the denial of eligibility by reason of disposal of resources for less than fair market value.

A. Except as noted below, the criteria for determining the period of ineligibility are the same as criteria specified in section 1917 (c) of the Social Security Act (Act).

1. Transfer of resources other than the home of an individual who is an inpatient in a medical institution.

- a. ☒ The agency uses a procedure which provides for a total period of ineligibility greater than 24 months for individuals who have transferred resources for less than fair market value when the uncompensated value of disposed of resources exceeds \$12,000. This period bears a reasonable relationship to the uncompensated value of the transfer. The computation of the period and the reasonable relationship of this period to the uncompensated value is described as follows:

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- b. X The period of ineligibility is less than 30 months, as specified below:

Utah follows the requirements as required under Section 1917(c)(1).

- c. X The agency has provisions for waiver of denial of eligibility in any instance where the State determines that a denial would work an undue hardship.

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2. Transfer of the home of an individual who is an inpatient in a medical institution.

☒ A period of ineligibility applies to inpatients in an SNF, ICF or other medical institution as permitted under section 1917(c).

- a. Subject to the exceptions on page 2 of this supplement, an individual is ineligible for 30 months after the date on which he disposed of the home. However, if the uncompensated value of the home is less than the average amount payable under this plan for 30 months of care in a NF, the period of ineligibility is a shorter time, bearing a reasonable relationship (based on the average amount payable under this plan as medical assistance for care in a NF) to the uncompensated value of the home as follows:

Utah follows the requirements under Section 1917(c).

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- b. ☐ Subject to the exceptions on page 2 of this supplement, if the uncompensated value of the home is more than the average amount payable under this plan as medical assistance for 24 months of care in an SNF, the period of ineligibility is more than 24 months after the date on which he disposed of the home. The period of ineligibility bears a reasonable relationship (based upon the average amount payable under this plan as medical assistance for care in an SNF) to the uncompensated value of the home as follows:

N/A

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No individual is ineligible by reason of item A.2
if--

- (i) A satisfactory showing is made to the agency
(in accordance with any regulations of the
Secretary of Health and Human Services) that
N/A the individual can reasonably be expected to be
discharged from the medical institution and to
return to that home;
- (ii) Title to the home was transferred to the
individual's spouse or child who is under age
21, or (for States eligible to participate in
the State program under title XVI of the Social
Security Act) is blind or permanently and
totally disabled or (for States not eligible to
participate in the State program under title
XVI of the Social Security Act) is blind or
disabled as defined in section 1614 of the Act;
- (iii) A satisfactory showing is made to the agency
(in accordance with any regulations of the
Secretary of Health and Human Services) that
the individual intended to dispose of the home
either at fair market value or for other
valuable consideration;
- (iv) The agency determines that denial of
eligibility would work an undue hardship.
- (v) The resources were transferred exclusively for a purpose
other than to qualify for medical assistance; or
- (vi) Other requirements of Section 1917(c)(2) are met.

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3. 1902(f) States

☒ Under the provisions of section 1902(f) of the Social Security Act, the following transfer of resource criteria more restrictive than those established under section 1917(c) of the Act, apply:

B. Other than those procedures specified elsewhere in the supplement, the procedures for implementing denial of eligibility by reason of disposal of resources for less than fair market value are as follows:

1. If the uncompensated value of the transfer is \$12,000 or less:

2. If the uncompensated value of the transfer is more than \$12,000:

N/A

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3. If the agency sets a period of ineligibility of less than 24 months and applies it to all transfers of resources (regardless of uncompensated value):

4. Other procedures:

N/A

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TRANSFER OF RESOURCES

1917 of the Act The agency provides for the denial of eligibility by reason of disposal of resources for less than fair market value that occurred on or before August 11, 1993, for services provided on or before October 1, 1993.

☒ An institutionalized individual who has applied for medical assistance under the State Plan, for nursing facility service, a level of care in any institution equivalent to that of nursing facility services, and home or community based services under a waiver granted under subsection (c) or (d) of section 1915.

☐ A non-institutionalized individual.

A. The criteria for determining the period of ineligibility are the same as the criteria specified in section 1917(c) of the Social Security Act.

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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: UTAH

No individual is ineligible by reason of item A, if:

- (i) The assets were transferred to the individual's spouse, or to another, for the sole benefit of the individual's spouse;
- (ii) The assets were transferred from the individual's spouse to another, for the sole benefit of the individual's spouse;
- (iii) The assets were transferred to, or to a trust established solely for the benefit of, the individual's child who is blind or permanently and totally disabled as defined in section 1614 of the Social Security Act;
- (iv) The assets were transferred to a trust established solely for the benefit of an individual under age 65 who is disabled as defined in section 1614 of the Social Security Act;
- (v) Title to the home was transferred to the individual's spouse or child who is under age 21, or (for States eligible to participate in the State program under Title XVI of the Social Security Act) is blind or permanently and totally disabled or (for States not eligible to participate in the State program under Title XVI of the Social Security Act) is blind or disabled as defined in section 1614 of the Act;
- (vi) A satisfactory showing is made to the agency (in accordance with any regulations of the Secretary of Health and Human Services) that the individual intended to dispose of the asset either at fair market value or for other valuable consideration;
- (vii) The agency determines that denial of eligibility would work an undue hardship;
- (viii) The resources were transferred exclusively for a purpose other than to qualify for medical assistance; or
- (ix) Other requirements of Section 1917(c)(2) are met.

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